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Resolution adopted by the Human Rights Council on 23 March 2017

34/5. Mandate of the Special Rapporteur on the situation of human rights defenders

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, including Human Rights Council resolutions 16/5 of 24 March 2011, 25/18 of 28 March 2014 and 31/32 of 24 March 2016, and General Assembly resolutions 68/181 of 18 December 2013 and 70/161 of 17 December 2015,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Emphasizing the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights institutions, play at the local, national, regional and international levels in the promotion and protection of all human rights and fundamental freedoms for all,

Reiterating the grave concerns expressed by the General Assembly and the Human Rights Council with regard to the serious risks faced by human rights defenders due to threats, attacks, reprisals and acts of intimidation against them,

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Reaffirming that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Stressing that respect and support for the activities of all human rights defenders, including women human rights defenders, are essential to the overall enjoyment of human rights,

Mindful that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law,

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

Recognizing the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

1. *Welcomes* the work and takes note with appreciation of the report of the Special Rapporteur on the situation of human rights defenders,[1] and strongly urges all States to take concrete steps to create, in law and in practice, a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity;

2. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights defenders for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 16/5;

3. *Urges* all States to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all information and to respond to the communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations so as to enable him or her to fulfil the mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his or her mandate;

6. *Encourages* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of his or her mandate, including in the context of country visits and

[1] A/HRC/34/52.

through suggestions on ways and means of ensuring the protection of human rights defenders;

7. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

56th meeting
23 March 2017

[Adopted without a vote.]